

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

DARRELL K. THOMPSON, WILLIAM T. HOLT  
(deceased), LEATHA J. HOLT (next of kin), and  
NEWAIR MANUFACTURING, LLC,

Plaintiffs,

V.

MEDTRONIC, INC., MEDTRONIC PUBLIC LIMITED COMPANY, MEDTRONIC USA, INC., STRYKER CORPORATION, PHYSIO-CONTROL INTERNATIONAL, INC., PHYSIO-CONTROL, INC., PHYSIO-CONTROL MANUFACTURING, INC., JOLIFE AB, and BAIN CAPITAL, INC.,

Defendants.

Case Nos.  
2:19-cv-2038; 2:16-cv-3013

## ORDER AMENDING JUDGMENT AND GRANTING TRANSFER

AND NOW this 3rd day of November, 2020, in accordance with the Memorandum Opinion (Case No. 2:16-cv-3013, ECF No. 70; Case No. 2:19-cv-2038; ECF No. 64), it is hereby ordered that Defendants Stryker Corporation, Physio-Control International, Inc., Physio-Control, Inc., Physio-Control Manufacturing, Inc. and Jolife AB's (collectively, "Stryker Defendants") Motion to Dismiss Plaintiffs Darrell K. Thompson, William T. Holt (deceased), Leatha J. Holt (Next of Kin) and NewAir Manufacturing LLC's (collectively, "Plaintiffs") Complaint pursuant to Fed. R. Civ. P. 12(b)(3) and 12(b)(6) and for lack of venue (ECF Nos. 35, 49.) is GRANTED IN PART. This Court finds that venue is improper in this District and transfers the pending action with respect to the Stryker Defendants to the Western District of

Michigan under § 1404(a). This Court further corrects the Judgment in Thompson v. Medtronic, Inc., Civil Action No. 2:16-cv-3013 (W.D. Tenn. Dec. 29, 2016) (“Thompson I”) under Federal Rule of Civil Procedure 60(d)(1) to state that the dismissals with respect to Defendants Bain Capital, Inc. (“Bain”) and the Stryker Defendants for lack of personal jurisdiction were WITHOUT PREJUDICE. Accordingly, the issue of *res judicata* is now MOOT, as there has been no adjudication on the merits for either Bain or the Stryker Defendants. The Court hereby transfers this action with respect to the Stryker Defendants to the Western District of Michigan for further proceedings.

**SO ORDERED**, this 3rd day of November, 2020.

/s/ Jon P. McCalla  
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JON P. McCALLA  
UNITED STATES DISTRICT JUDGE